

APPROVED: MEETING NO. 15-84

ATTEST:

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 12-84

May 7, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on Monday, May 7, 1984.

PRESENT

Mayor pro tem John Tyner

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

ABSENT

Mayor John R. Freeland
(vacation)

Mayor pro tem in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;
Secretary to City Clerk Patricia Rager.

Re: Citizens Awards -
Neighborhood Watch
Program

Mayor pro tem Tyner, with the help of Chief Stout, presented a certificate of appreciation to the following for their participation in the Neighborhood Watch Program:

Lincoln Avenue Watch: Lilliam B. Brown, Ruth Brown, Albert A. Jackson, Merion Green

North Farm Civic Association: William Mark Allen, Roy Dickstein

Potomac Woods Watch: Stanley Shackney, William Borman, Lois Borman

May 7, 1984

Sunrise Drive Watch: Joy Ammerman, Thomasine Ilyas Alvarez

Bradford Area Association: Olga Farozic, Joan Donahue, Abe Goldstein, Betty Farrell, Joan Hopkin, Jane Cromer, Jim Shapaker

Horizon Hill Watch: Joe Sperling, Steve Vangrack, Larry Boesch, Harriet Meltzer, Sherri Schwarz, Judy Armstrong, Janet Smith, Richard Wagner, Sharon Rourke, Sharon Discavage, Clare Kaplon, Ed & Lynn Steinman, Alan & Linda Herson, Jeff & Sharon Fritzlen, Ric & Sonya Okin, Donna Silverman, Larry Bier, Harvey & Debbie Karch, Stu & Cheryl Feldsott, Arnie Horowitz, Neil Simon, Rhona Bortnick, Cheryl Sloane, Marian Osher

Twinbrook Neighborhood Watch: Merle Crock, John Huszai, Nell & John Rys, Cloyd Bittner, Carol Cohen, Sally Drummond, Rusty Wallace, Virginia McDonald, Betty Burns, Donna Osmond, Armand Caron, Brian Mullican, Jean King, Sharon Sturch, Patricia Bowie, Rusty Truesdale, James Torrenzano, William Surgi, John & Tina Natale, Robert & Martha Willson, Dan Hamernik, Carol Webb, Karen Sheehan.

College Gardens Watch: Kathryn T. Vengazo, Margaret E. Reilly, Jack E. Reilly

Mayor pro tem Tyner thanked all the participants for working so cooperatively with the Police Department and made special note of thanks to Officer Vic Grasso for all the time and effort he has put into this program.

Re: City Manager's
Report

Mr. Blick reported the following:

1. Rockville Day is being rescheduled to next Sunday because most of the vendors and performers can make it.
2. The Veirs Mill Ramp is almost ready for opening. The most significant matter holding up the City's work on Stonestreet has been a problem with PEPCO in moving its poles out of the street. As soon as the City can patch and put 2 coats of asphalt down, the street can be opened. The estimated date for opening is the first week in June.
3. Three new Ride-On bus routes, No. 44, 45 and 57, began servicing Rockville today.
4. Work has started on the traffic signal at Fleet and Monroe Streets. The expected completion date is for the first week in June.
5. Asphalt is scheduled to be laid this week on North Washington Street.

May 7, 1984

6. Work has begun on the demolition of the old Pepsi plant at Twinbrook Parkway and Chapman Avenue in preparation for construction of a new building.

Re: Introduction of
Participants of
the Student
Government Days

Mayor pro-tem Tyner welcomed the students from Richard Montgomery High School who will be participating in the new City program called "Student Government Days". The students will be working for the remainder of the week in various departments of the City getting some "hands on" experience and will also be working on particular problems. The students are Karyn Thompson, Nancy Sullivan, Randi Himelfarb, Barry Tom, Heather Hanson, Michael Langley, Ronda Tanneris, Jamie Beatty, Steve Parker, Susan Lantzy, Roger Foote and Vick Khera.

The students will report back to the Mayor and Council next Monday night.

Re: Proclamation:
Business Week

Proclamation No. 5-84

There being no objection from the Council, Mayor pro-tem Tyner proceeded to issue Proclamation No. 5-84, proclaiming the week of May 7-12 as Business Week in the City of Rockville. Councilman Abrams read the proclamation at the request of the Mayor pro tem in which it was urged that all citizens support local business through their patronage. Lisa Taylor accepted the proclamation on behalf of the Chamber of Commerce.

Re: Proclamation:
Clean Air Week

Proclamation No. 6-84

There being no objection from the Council, Mayor pro-tem Tyner proceeded to issue Proclamation No. 6-84, proclaiming the week of May 7-13 as Clean Air Week in the City of Rockville. Councilman Duncan read the proclamation at the request of the

May 7, 1984

Mayor pro tem in which it was urged that all citizens do his or her part in conserving one of the most vital resources - Clean Air.

Re: Appointments

Mayor pro tem Tyner made the following appointments. They were confirmed by the Council.

Sign Review Board: Donald Johnson, Architect, one-year term
4512 Norbeck Road

Bruce Williamson, Business Community - two-year term
620 Hungerford Drive

Sue Semonis, Citizen representative - three-year term
507 Carr Avenue

Douglas Worthing, Alternate - three-year term
10 Tapiola Court

Re: Citizen's Forum

The Mayor pro tem opened the meeting to those citizens who wished to address the Mayor and Council.

1. Lisa Taylor, 904 College Parkway. Mrs. Taylor addressed the Mayor and Council concerning the hazardous intersection that exists at College Parkway and Nelson Street. She said although there is a Stop sign there, people do not pause. She recommended that a flashing red light be installed to warn motorists. She explained that there is a crosswalk, Metro stop and no sidewalk at the corner which makes it very hazardous. She also suggested reducing the speed limit. Mayor pro tem Tyner asked the City Manager to discuss this with the Traffic Engineer and get a recommendation from the Traffic and Transportation Commission on the flashing red light.

Mrs. Taylor also congratulated the Council on the appointments made this evening to the Sign Review Board.

There being no other citizen wishing to be heard, the Mayor pro tem closed the citizen's forum portion of the meeting.

May 7, 1984

Re: Introduction of Ordinance:
To grant Text Amendment
Application, T-57-84,
David D. Frieshtat,
Applicant, requesting a
new subsection be added to
the Zoning Ordinance to
address problems relative
to off-street parking.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to grant Text Amendment Application, T-57-84, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
To grant Text Amendment
Application, T-58-84,
Planning Commission,
Applicant, requesting an
amendment to the Zoning
Ordinance to correct a
footnote which affects
building lines in the TCO-
1 Zone

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to grant Text Amendment Application, T-58-84, Planning Commission, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance: To
Amend Section 11-1.06 of
Chapter 11, of the "Laws of
Rockville", Traffic and
Transportation, to increase
the penalty for violations
and to provide for a fine for
flagging.

Ordinance No. 19-84

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 19-84, the full text of which can be found in Ordinance Book No. 12, increasing the penalty for violations and to provide for a fine for flagging, was adopted by the Mayor and Council.

Councilwoman Hovsepian noted for the benefit of those present in the Chamber, that the increase in the fine for parking violations will go from \$10 to \$20. Also, failure to pay the fine within 15 days of the violation or request a court hearing would increase the fine another \$10 making the total \$30. And, if the \$30 fine is not paid and the flagging procedure is used, another \$10 would be added, making the violation \$40.

Re: Approval of Policy
for the Moving of
Hydrants

The staff has examined the cost for moving the fire hydrants at 1121 Grandin and 223 W. Edmonston Drive. Staff does not recommend a least cost approach at these two locations. Instead, it is recommended that new hydrants with valves at nearby locations be installed. In each case the water system will be upgraded and the valves will allow the City to work on the hydrants in the future without having to shut-off water service to nearby residents.

The cost of moving the hydrants will be \$3,500.00 to \$4,000.00 at each location. They will be moved as the City's work load permits during the next four months. The City will try to coordinate the work with the installation of the driveway of 1121 Grandin in order to minimize total cost. It is recommended that the cost be born by the water system because of the upgrade to the system.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the moving of the fire hydrants at 1121 Grandin Avenue and 223 West Edmonston Drive. Mayor pro tem Tyner asked if this was site specific. Mr. Blick said this will be done on a case-by-case basis and noted that the City receives very few requests. Councilman Duncan asked if the City would pay for the removal. Mr. Blick said yes. Councilman Abrams said he would like to make sure the policy is clear and said when the City finds that a hydrant should be moved the City pays; however, if the removal of a hydrant is only for the convenience

of citizens, then the citizen would pay. Mr. Blick said yes and the rest of the Council agreed with this.

Re: Approval of Waivers
for on-site Storm
Water Management: a)
Williams Addition,
Lot 15, \$504.25 - b)
Original Old Town,
Lot 2, Block 12,
\$1,320.00

a) Williams Addition, Lot 15

This site, located at 216 West Montgomery Avenue (near the intersection of Falls Road) is situated in the Cabin John drainage area near the top of a subdrainage area. The runoff is picked up by a nearby enclosed drainage system in Evans Street. This system flows to the existing New Mark Commons retention pond which provides some SWM, through the site of the City's proposed Dogwood Park SWM project and then on to the multi-purpose lake site retention structure. Retention structures are being encouraged by environmentalists because of their great capacity to remove pollutants from the City's water resources.

On-site SWM is not recommended in this case for two reasons: it would involve either removing mature trees to provide a yard basin or installing porous paving which is not available for such small applications.

Considering the above, it is recommended that the on-site SWM requirement for this lot be waived and the City accept a contribution of \$504.25 (.25 ac. @ \$2,017) toward the City's public SWM program. Montgomery Soil Conservation District now automatically waives small lots such as this and expects the developer to make a contribution.

On motion of Councilwoman Hovsepien, duly seconded and passed by unanimous vote of all present, the on-site storm water management for Lot 15, Williams Addition to Rockville, was waived and a contribution of \$504.25 was accepted.

b) Original Old Town, Lot 12

This site located at 101 West Jefferson Street is located at the northwest corner of Jefferson and Adams Street in the Cabin John Drainage area approximately 600 feet upstream from the Rockville Heights SWM detention project (E-32) proposed at the north end of Leland Street. This structure is planned to have an enclosed low flow and appear as a vest pocket park and be landscaped accordingly. Recreational features such as picnic tables, grills or ball courts, are not planned. The main purposes of the project are to provide for SWM and a pleasant green space for passive recreation when it is not functioning for SWM.

The applicant explored the possibility of using porous paving to construct this parking lot addition but was discouraged with its availability and installation problems and is seeking a waiver on the on-site SWM requirements.

Though the State is urging that porous paving be used on sites such as this, porous paving has not yet become readily available and accepted by the paving industry. Since other recognized on-site SWM systems are not feasible and there is a compensating regional SWM facility programmed, it is recommended the on-site SWM requirements for this parking lot expansion be waived and the City accept a contribution of \$1,320 (0.11 ac. @ \$12,000) toward the City's public SWM program. Subject to concurrence by MSCD.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the on-site SWM requirements for Lot 2 Block 12, Original Town, were waived and a contribution of \$1,320 was accepted toward the City's SWM program.

Re: Presentation of FY 85
Proposed Operating
Budget

Mr. Blick presented the proposed operating budget to the Mayor and Council. It reflects a reduction in the tax rate from \$.89 to \$.87. The total FY85 proposed budget of \$22,952,843 is 8.6% higher than the FY 84 budget. The proposed FY 85 General Fund budget is \$15,184,981, which is a 7.6% increase over FY85. There is no

change proposed in the water rate of \$1.00 per thousand gallons. Increased disposal costs will increase the sewer rate 22 cents from \$1.83 to \$2.05 per thousand gallons. The proposed FY 85 refuse collection and disposal rate is \$13.07 per month, increasing the collection rate from \$8.49 to \$8.63 per month, a 1.6% increase. The disposal rate increases from \$4.05 to \$4.44 per month, which is a 9.6% increase. Mr. Blick gave his presentation with the help of viewgraphs. He thanked the budget staff and department heads for all the work done. He added that a copy of the budget and CIP will be sent to every Civic Association and Board and Commission. The public hearings on the budget have been set for Tuesday, May 29 and Monday, June 4 at 8:00 p.m.

Re: Presentation of FY
85-90 proposed
Capital Improvements
Program

Mr. Blick presented to the Council the proposed FY 85-90 proposed Capital Improvements Program. This year's CIP is \$24.9 million. Of this total, \$12.2 million will be spent on Transportation projects; \$7.5 million on Environmental projects; \$0.9 million on Town Center projects; \$1.5 million on Health and Safety projects; and the remaining \$2.8 million on Recreation projects. Mr. Blick thanked the Planning Department and the Finance Department for producing a fiscally sound document.

Re: Work Session:
Programming of
Rockville Municipal
Cable Channel

The Mayor and Council conducted a work session with Larry Blick, Sue Patterson, Don Vandrey, Dan Hobbs, Russell Brown and Dr. Roald Schrack on Rockville's municipal cable television channel. They discussed topics such as the proposed goals, formatting, programming, budgeting, staff time involved, etc. A lengthy discussion was held on whether to go with Option I or Option II. The Council questioned whether or

not this channel was for the citizens or for city staff. The staff explained that this is the municipal channel and that Tribune United will have public access channels. Councilman Duncan expressed his concern over this and hoped the Mayor and Council and a citizens advisory commission will define what and who will use this channel. Mayor pro tem Tyner felt that the citizens should be allowed to have access. Mr. Hobbs explained that this is what has been coming between the County Executive and the County Council. Councilwoman Hovsepien questioned the use of City staff and asked what would be left "unhandled" when the staff is working on the CATV channel. Mrs. Patterson explained that an half-time intern will be hired to take over the office function and the full time intern will be assigned to the Cable channel. Mr. Blick added that Mr. Vandrey's time on Energy and Technology is wrapping up and all the priority items he has been working on have been implemented, giving him more time for cable.

After further discussion Mayor pro tem Tyner suggested that the Council run through the prepared agenda for this work session and give the staff the Council's feeling and wishes on these matters.

1. Approval of goals for CATV programming.

The Council agreed that the three goals are fine and would like to see what was mentioned tonight be incorporated.

2. Approval of types of programming.

Councilman Abrams asked that the staff look into the possibility of borrowing programs from other places. Mr. Blick said this is a good idea and suggested borrowing from places such as the library and the County. Mayor pro tem Tyner suggested that the staff "re-think" the idea of showing only one board or commission meeting a month and think about doing more.

3. Selection of option for level of programming/budget

The Council discussed at length the source of funding if the income from Tribune United is not as high as projected. Mr. Hobbs explained the City's share of net revenues from the total gross. The Council then discussed what option to go with. Councilman Duncan felt the City should go with Phase II. Councilman Abrams asked where the resources for funding would come from. Mayor pro tem Tyner suggested exploring CATV programming to see what the citizens want. He would like to work out arrangements to consider Part II of Phase II. Councilman Duncan disagreed and asked that staff be directed

to go with Option II Phase II now. Councilman Abrams reiterated his question of where the resources would come from. Councilman Duncan suggested using tax dollars. Councilwoman Hovsepian feels the City should wait and see how the first six months operate. She said if she does not have cable she does not want her tax dollars paying for it. Councilman Abrams said he supports Mrs. Hovsepian's comment. Mayor pro tem Tyner said it is the consensus of the Council to go with Phase II Step I and for the staff to come back to the Council in six months about the feasibility of going on to Step II. He said he sees Councilman Duncan's point but since other places are not doing so well he does not want to fund a "bottomless pit".

4. Approval of proposed equipment list for Tribune-United purchase

Council agreed to staff's recommendation.

5. Approval of sites for CATV connections

The Council agreed that the Broome Athletic Field should be wired and asked if the City will be able to use the free drop that Tribune is putting in at all schools; and if not, how can the City connect in to it. Mr. Vandrey said the City cannot "plug" into the free drop because the wiring goes directly into the Tribune studios. In order for the City to be able to broadcast over their channel, they would have to connect into Tribune/United's studio. Councilman Tyner asked what it would require in getting a drop in the schools or using the County's drop. He asked for more information.

6. Approval of Recommended Policies

a) Exclusive City-sponsored programming on municipal Channel

The Council felt everything was covered.

b) Use of programs provided by for-profit outside sources

Council agreed to Staff's conclusions

c) Determination of program content and scheduling on municipal channel

Council asked that the City Manager's comment on an advisory committee be added.

d) Staff organization for CATV

Council saw no problem with this.

e) Coverage of City election on CATV

Mayor pro tem Tyner suggested 1b be done only at the request of the sponsoring group.

f) Replays of Mayor and Council meetings

Council agreed to staff's policy

g & h) Coverage of controversial community issues

Staff agreed to g) but on h) Mayor pro tem Tyner suggested if a one sided position is being offered, the other side be allowed to present their view.

i) Process of determining if a program should be produced in a special controversial issue

Mayor pro tem Tyner said he felt the ultimate decision should be that of the Mayor and Council. He does not see "sticking" the staff with a controversial decision.

Mayor pro tem Tyner asked when the Council can expect the staff to get back with a final draft. Sue Patterson and Don Vandrey thought it would be about 2 or 3 weeks.

Re: Correspondence

1. G. Diamond, J. Diamond, C. Belote, and N. Pedersen, re neighborhood problem

Councilwoman Hovsepien said it has been come to her attention that this problem is occurring in her area and hopes the License and Inspections is keeping on top of it.

2. Janis & Parker Diamond, re work needed on Julius West grounds

Councilwoman Hovsepien asked if this is the City's responsibility. The City Manager said it is not and the letter has been sent on to the County. Mrs. Parker has been made aware of this.

3. Mary Lynn Scott, re protection of neighborhoods

4. County Executive, re extension of secondary review process on school sites.

5. Paul McGuckian, re traffic problem

Councilwoman Hovsepien said she hopes this will be handled soon. Mr. Blick said a signal will be going up soon.

Re: Information Items

1. Copy of citizen complaint to Public Works Department

Councilwoman Hovsepien asked for an update on this. Mr. Blick said he will get any further correspondence on this.

2. Hearing Notice on school closing

Mayor pro tem Tyner asked if the City has an interest in this. Mr. Blick said this will be addressed during the CIP

3. Letter to civic associations re Mayor and Council budget hearings

4. Community Resources Department project status report

5. Additional information on enclaves

Councilwoman Hovsepian asked what additional services will be received by the residents of Cove Lane. Mr. Blick said many of the enclaves already benefit from municipal services. Councilwoman Hovsepian asked if the City will be providing more services. Mr. Blick said Cove Lane will get housing code enforcement, landlord/tenant affairs, and police protection.

6. Status of TRIMS and TPP

7. Planning Department Status Report

Mayor pro tem Tyner asked where the City stands on the West Montgomery Avenue street study.

8. Notice of Open Forum - 5/16

9. Letter to neighborhood associations re C-1 zone proposed changes

Re: New Business

1. Mayor pro tem Tyner told the Council that he has before him a memo from the Department of Community Development and Housing Assistance for an award of grant to the United Church Center. The Mayor and Council at its March 26, 1984, meeting approved the expenditure of \$3,800.00 to conduct a case study of relocation activities at the Summit Apartments. That action was the result of a request by the United Church Center for Community Ministries that such a study be undertaken.

In order to provide the funds to the United Church Center to undertake the study, it will be necessary to waive competitive purchasing requirements so that a sole source grant can be made to the United Church Center.

The Mayor and Council must, therefore, adopt a motion which declares that:

- 1) An organization which is extremely familiar with the affected community should undertake the relocation study.
- 2) The work must begin immediately since relocation activities are now underway
- 3) An unbiased non-profit organization is needed to instill the results of the study with additional credibility.
- 4) A high degree of sensitivity must be possessed by any organization dealing with displaced residents.
- 5) The United Church Center for Community Ministries has been determined to be the only organization which possesses the previously described unique features which meet the above mentioned City requirements.

On motion of Councilman Abrams, duly seconded and passed, Councilman Abrams, Duncan and Tyner voting aye and Councilwoman Hovsepian abstaining, the Mayor and Council approved the five staff recommendations as listed above.

2. Mayor pro tem Tyner said he has before him material submitted by Arlene Simons on the New Horizons Program and asked for comments by the Council. Councilman Abrams requested that this matter be held over until May 14 for consideration since the material is not due until the 16th. He said he would like to receive staff input and have chance to read it first.

It was the consensus of the Council that this would be placed on the May 14 agenda.

3. Councilman Duncan said the Rockville High School newspaper has been picked as the best high school newspaper in the area and also Rockville High School's Academic team was in the finals. He suggested that they be invited to a Mayor and Council meeting along with other honorees.

Re: Executive Session

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session in order to discuss personnel matters.

Re: Adjournment

There being no further business to come before the Council in executive session the meeting was adjourned at 11:00 p.m. to convene again in general session on Monday, May 14, 1984, at 8:00 p.m. or at the call of the Mayor.